

DSM Directive Survey

Questions for Online Content-Sharing Service Providers (OCSSPs)

Section 2.3: Press publisher right and obligations of online content sharing service providers (OCSSPs)

Article 15 (press publisher right) and Article 17 (OCSSPs).

For the next few questions please note that Article 17 concerns copyright-protected works uploaded by users to an online content-sharing service. The online content sharing service provider needs to obtain the authorisation of rightholders and, under certain circumstances, block or remove unauthorised content. Finally, service providers must put in place a fast and effective redress mechanism for users whose content has been blocked or removed.

Q66. Overall, how would you rate the impact of Article 17 on your organisation?

Instructions: Please select one option.

1. Very positive
2. Somewhat positive
3. Neither positive nor negative (no overall impact)
4. Somewhat negative
5. Very negative
6. I don't know

Q67. Since 2019, approximately how many rightholders / CMOs has your organisation concluded licensing agreements with under Article 17?

Instructions: Please select one option.

1. 0
2. 1 to 2
3. 3 to 5
4. 6 to 10
5. 11 to 20
6. More than 20
7. I don't know

Q67_1 [If Q67=2,3,4,5,6] Have you concluded any licensing agreements with any of the following types of rightholders since 2019?

Instructions: Please select all that apply.

1. CMOs
2. Publishers
3. Phonogram producers
4. Broadcasters
5. Film producers
6. Other (please specify)

Q67_2 [If Q67=2,3,4,5,6] Which types of content have you concluded agreements for?

Instructions: Please select all that apply.

1. Text
2. Music
3. AV
4. Images

5. Other (please specify)
6. None of the above

Q67_3 [If Q67=2,3,4,5,6] What is the geographical scope of these agreements?

Instructions: Please select one option.

1. Single EU Member State
2. Several EU Member States
3. EEA-wide
4. EU-wide
5. Global (incl. EU)
6. Global (excl. EU)

Q68. What measures do you use to ensure the unavailability of specific works and other subject matter under Article 17(4)(b)?

Instructions: Please select all that apply.

1. Hashing (a technique where a file is transformed into a unique chain of figures called a "hash code")
2. Fingerprint matching (technology that extracts recognisable features (fingerprints) from audio, video, or image content and compares them against a reference database provided by rightholders)
3. Upload matching (refers to the use of Automated Content Recognition (ACR) tools to filter content before it becomes publicly available)
4. Notice-based detection and removal systems following rightholder notification
5. Other (please specify)
6. No tools

Q69. What is your assessment of the costs associated with the measures used to ensure the unavailability of specific works and other subject matter under Article 17(4)(b)?

Instructions: Please select one option.

1. Very low
2. Low
3. Moderate
4. High
5. Very high
6. We do not incur identifiable additional costs
7. Not sure / cannot answer

Q70. Upon receiving a sufficiently substantiated notice from rightholders, what measures does your organisation take to disable access to, or remove, notified works or other subject matter, and to make best efforts to prevent their future upload (Article 17(4)(c) obligation)?

Instructions: Please select all that apply.

1. Notice portal or notice submission tool
2. Defined internal criteria or protocol for assessing whether a notice is sufficiently substantiated
3. Measures to prevent re-uploading of notified works
4. Human review of notices and / or removal decisions
5. Other (please specify)
6. No specific measures
7. Not sure / cannot answer

Q71. Do you apply safeguards to reduce erroneous blocking / removal of lawful uploads (e.g., falling under the exceptions for quotation / parody, public domain, licensed uses)?

Instructions: Please select one option.

1. Yes
2. No
3. I don't know

Q71_1 [If Q71=Yes] Can you provide more details?

OPEN QUESTION

Q72. Have you received any user complaints about blocking / removal of content as a result of Article 17? If yes, please indicate an approximate number of user complaints about blocking / removal in the last year.

Instructions: Please select one option.

1. 0
2. 1–10
3. 11–100
4. 101–1,000
5. >1,000
6. Don't know

Q72_1 [If Q72=5] If possible, can you please specify the approximate number of user complaints regarding blocking / removal of content as a result of Article 17?

OPEN QUESTION

Q83. Have you updated your content moderation, licensing, or terms-of-service policies to address the presence of AI-generated content on your platform?

Instructions: Please select one option.

1. Yes, comprehensively
2. Yes, to some extent
3. No
4. Don't know

Q87. What unexpected benefits or challenges have you experienced in relation to Article 17?

OPEN QUESTION

Q90. Are you aware of any out-of-court dispute settlement mechanisms in your Member States that have been used to resolve disputes linked to Article 17(9) complaints?

Instructions: Please select one option.

1. Yes, and used
2. Yes, but not used
3. No
4. I don't know

Q90_1 [If Q90=1] Have you been involved in such dispute settlement mechanisms, and if so, please give the approximate number of cases since 2021, typical outcomes, and whether it improved resolution speed or consistency.

OPEN QUESTION

Q90_2 [If Q90=1] What suggestions do you have for improving the effectiveness or efficiency of this dispute settlement mechanism?

OPEN QUESTION

Section 2.5: Other impacts

The following questions concern the value added by the Directive, as an EU-level intervention, compared to the pre-existing situation in the Member States. Please respond based on your direct experience.

Q126. Based on your experience, please indicate one key benefit or value added by the DSM Directive, if any?

OPEN QUESTION

The following questions concern the efficiency of the Directive and aim to assess the incurred costs of the Directive. Please respond based on your direct experience.

Q127. To what extent has your organisation incurred compliance costs because of the Directive?

Instructions: Please select one option.

1. To a great extent
2. To some extent
3. To a little extent
4. Not at all
5. I don't know

Q128. What is the nature and level of those compliance costs and in relation to which of the Directive's provisions are they incurred?

OPEN QUESTION

The following questions concern the coherence of the Directive and aim to assess to what extent the provisions of the Directive are coherent with other national or international laws.

Q129. How well do the DSM Directive's provisions align with other relevant EU legislation (e.g., GDPR, AI Act, Digital Services Act, Orphan Works Directive)?

Instructions: with 1 being not at all aligned and 5 being fully aligned.

1. Slider: 1 2 3 4 5

Q129_1 [If Q129=1 or 2] Please specify any particular laws where you have noticed alignment or conflict.

OPEN QUESTION

Q130. Have you experienced any legal or practical tensions or conflicts between the DSM Directive as implemented and other national laws in your country?

Instructions: Please select one option.

1. Yes
2. No
3. I don't know

Q130_1 [If Q130=Yes] Please describe the tension or conflict and its impact.

OPEN QUESTION